

AMENDED IN SENATE JUNE 2, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1841

Introduced by Assembly Member Mullin
(Coauthor: Senator Hernandez)

February 18, 2014

An act to amend Section 2069 of the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 1841, as amended, Mullin. Medical assistants.

Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California. The act authorizes a medical assistant to administer medication only by intradermal, subcutaneous, or intramuscular injections and to perform skin tests and additional technical supportive services upon the specific authorization and supervision of a licensed physician and surgeon, a licensed podiatrist, a physician assistant, a nurse practitioner, or a certified nurse-midwife. Existing law defines the term “technical supportive services” to mean simple routine medical tasks and procedures that may be safely performed by a medical assistant who has limited training and who functions under the supervision of a licensed physician and surgeon, a licensed podiatrist, a physician assistant, a nurse practitioner, or a certified nurse-midwife. Existing law, the Pharmacy Law, prohibits a prescriber, as defined, from dispensing drugs to patients in his or her office unless specified conditions are satisfied, and authorizes a certified nurse-midwife, a

nurse practitioner, a physician assistant, or a naturopathic doctor who functions pursuant to a specified protocol or procedure to hand to a patient of his or her supervising physician a properly labeled and prepackaged prescription drug. *Existing law authorizes specified facilities licensed by the California State Board of Pharmacy to purchase drugs at wholesale for administration or dispensing, under the direction of a physician and surgeon, to patients registered for care at those facilities.*

This bill would specify that the “technical supportive services” a medical assistant may perform *in those California State Board of Pharmacy licensed facilities* also includes handing to a patient a properly labeled and prepackaged prescription drug, other than a controlled substance, ordered by a licensed physician and surgeon, a licensed podiatrist, a physician assistant, a nurse practitioner, or a certified nurse-midwife, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2069 of the Business and Professions
- 2 Code is amended to read:
- 3 2069. (a) (1) Notwithstanding any other law, a medical
- 4 assistant may administer medication only by intradermal,
- 5 subcutaneous, or intramuscular injections and perform skin tests
- 6 and additional technical supportive services upon the specific
- 7 authorization and supervision of a licensed physician and surgeon
- 8 or a licensed podiatrist. A medical assistant may also perform all
- 9 these tasks and services upon the specific authorization of a
- 10 physician assistant, a nurse practitioner, or a certified
- 11 nurse-midwife.
- 12 (2) The supervising physician and surgeon may, at his or her
- 13 discretion, in consultation with the nurse practitioner, certified
- 14 nurse-midwife, or physician assistant, provide written instructions
- 15 to be followed by a medical assistant in the performance of tasks
- 16 or supportive services. These written instructions may provide that
- 17 the supervisory function for the medical assistant for these tasks
- 18 or supportive services may be delegated to the nurse practitioner,
- 19 certified nurse-midwife, or physician assistant within the
- 20 standardized procedures or protocol, and that tasks may be

1 performed when the supervising physician and surgeon is not
2 onsite, if either of the following apply:

3 (A) The nurse practitioner or certified nurse-midwife is
4 functioning pursuant to standardized procedures, as defined by
5 Section 2725, or protocol. The standardized procedures or protocol,
6 including instructions for specific authorizations, shall be
7 developed and approved by the supervising physician and surgeon
8 and the nurse practitioner or certified nurse-midwife.

9 (B) The physician assistant is functioning pursuant to regulated
10 services defined in Section 3502, including instructions for specific
11 authorizations, and is approved to do so by the supervising
12 physician and surgeon.

13 (b) As used in this section and Sections 2070 and 2071, the
14 following definitions apply:

15 (1) "Medical assistant" means a person who may be unlicensed,
16 who performs basic administrative, clerical, and technical
17 supportive services in compliance with this section and Section
18 2070 for a licensed physician and surgeon or a licensed podiatrist,
19 or group thereof, for a medical or podiatry corporation, for a
20 physician assistant, a nurse practitioner, or a certified
21 nurse-midwife as provided in subdivision (a), or for a health care
22 service plan, who is at least 18 years of age, and who has had at
23 least the minimum amount of hours of appropriate training pursuant
24 to standards established by the board. The medical assistant shall
25 be issued a certificate by the training institution or instructor
26 indicating satisfactory completion of the required training. A copy
27 of the certificate shall be retained as a record by each employer of
28 the medical assistant.

29 (2) "Specific authorization" means a specific written order
30 prepared by the supervising physician and surgeon or the
31 supervising podiatrist, or the physician assistant, the nurse
32 practitioner, or the certified nurse-midwife as provided in
33 subdivision (a), authorizing the procedures to be performed on a
34 patient, which shall be placed in the patient's medical record, or
35 a standing order prepared by the supervising physician and surgeon
36 or the supervising podiatrist, or the physician assistant, the nurse
37 practitioner, or the certified nurse-midwife as provided in
38 subdivision (a), authorizing the procedures to be performed, the
39 duration of which shall be consistent with accepted medical

1 practice. A notation of the standing order shall be placed on the
2 patient's medical record.

3 (3) "Supervision" means the supervision of procedures
4 authorized by this section by the following practitioners, within
5 the scope of their respective practices, who shall be physically
6 present in the treatment facility during the performance of those
7 procedures:

8 (A) A licensed physician and surgeon.

9 (B) A licensed podiatrist.

10 (C) A physician assistant, nurse practitioner, or certified
11 nurse-midwife as provided in subdivision (a).

12 (4) (A) "Technical supportive services" means simple routine
13 medical tasks and procedures that may be safely performed by a
14 medical assistant who has limited training and who functions under
15 the supervision of a licensed physician and surgeon or a licensed
16 podiatrist, or a physician assistant, a nurse practitioner, or a
17 certified nurse-midwife as provided in subdivision (a).

18 (B) Notwithstanding any other law, *in a facility licensed by the*
19 *California State Board of Pharmacy under Section 4180 or 4190,*
20 *other than a facility operated by the state,* "technical supportive
21 services" *also* includes handing to a patient ~~a properly labeled and~~
22 ~~prepackaged prescription drug, excluding a controlled substance,~~
23 *that is labeled in compliance with Section 4170 and all other*
24 *applicable state and federal laws and* ordered by a licensed
25 physician and surgeon, a licensed podiatrist, a physician assistant,
26 a nurse practitioner, or a certified nurse-midwife in accordance
27 with subdivision (a). In every instance, prior to handing the
28 medication to a patient *pursuant to this subparagraph,* the properly
29 labeled and prepackaged prescription drug shall have the patient's
30 name affixed to the package and a licensed physician and surgeon,
31 a licensed podiatrist, a physician assistant, a nurse practitioner, or
32 a certified nurse-midwife shall verify that it is the correct
33 medication and dosage for that specific patient *and shall provide*
34 *the appropriate patient consultation regarding use of the drug.*

35 (c) Nothing in this section shall be construed as authorizing any
36 of the following:

37 (1) The licensure of medical assistants.

38 (2) The administration of local anesthetic agents by a medical
39 assistant.

1 (3) The board to adopt any regulations that violate the
2 prohibitions on diagnosis or treatment in Section 2052.

3 (4) A medical assistant to perform any clinical laboratory test
4 or examination for which he or she is not authorized by Chapter
5 3 (commencing with Section 1200).

6 (5) A nurse practitioner, certified nurse-midwife, or physician
7 assistant to be a laboratory director of a clinical laboratory, as those
8 terms are defined in paragraph (8) of subdivision (a) of Section
9 1206 and subdivision (a) of Section 1209.

10 (d) A nurse practitioner, certified nurse-midwife, or physician
11 assistant shall not authorize a medical assistant to perform any
12 clinical laboratory test or examination for which the medical
13 assistant is not authorized by Chapter 3 (commencing with Section
14 1200). A violation of this subdivision constitutes unprofessional
15 conduct.

16 (e) Notwithstanding any other law, a medical assistant shall not
17 be employed for inpatient care in a licensed general acute care
18 hospital, as defined in subdivision (a) of Section 1250 of the Health
19 and Safety Code.